

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

DEREK MATHEWS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	No. 1:12-cv-151
v.	)	
	)	<i>Lee</i>
	)	
BMW MOTORRAD USA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is a motion to compel [Doc. 34] filed by Defendants, in which Defendants seek to compel Plaintiffs' discovery responses and to set a status conference in this matter. Defendants represent that Plaintiffs have not yet served their initial disclosures, which were due on or before April 24, 2013 under the initial Scheduling Order entered in this case,<sup>1</sup> or responded to the interrogatories, requests for production, and requests for admission served upon Plaintiffs by Defendants. Plaintiffs have not filed any response in opposition to Defendants' motion, and the Court deems Plaintiffs' failure to respond to the motion as a waiver of any opposition to the requested relief pursuant to E.D. Tenn. L.R. 7.2.

Accordingly, Defendants' motion to compel [Doc. 34] is **GRANTED** and Plaintiffs shall respond to Defendants' discovery requests and shall make any additional required initial disclosures on or before **October 14, 2013**. Any failure to respond to the discovery as ordered herein may result in the imposition of sanctions, up to and including the sanction of dismissal of Plaintiffs' action with prejudice, pursuant to Fed. R. Civ. P. 37.

With respect to Defendants' request for a status conference, counsel for the parties are

---

<sup>1</sup> In its most recent Scheduling Order in this case, however, the Court noted that the parties reported that they had made all initial disclosures required by Rule 26(a)(1) [Doc. 30].

**ORDERED** to confer with each other on or before **October 14, 2013**, so that they may meet the deadlines established in this case. The parties are on notice that the deadlines will not be changed as a result of any failure to conduct discovery in a timely fashion.

SO ORDERED.

ENTER:

s/ Susan K. Lee  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE